

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHERYL BRENNER, MEGAN EDWARDS,
AUDREY CLOSE, MITZI FRENCH-HITTI,
CASANDRA HUBER, NALINEE MORRIS,
BRENDA WILSON,

Plaintiffs,

vs.

Civ. No. 00-1091 PJK/WWD ACE

RAN KEN, INC., a Texas corporation,
d/b/a CHELSEA'S STREET PUB & GRILL,
FARMINGTON LONDON PUB, INC., a
New Mexico corporation, d/b/a CHELSEA'S
LONDON PUB & GRILL, W. GREGGORY
HAMILTON, an individual, TERRY McDANIEL,
an individual, and PETER KUCH, an individual,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiffs' Motion to Compel Defendants Farmington London Pub, Inc. and Hamilton to Provide Answers and to Produce Documents [docket no. 67] filed March 16, 2001. Plaintiffs seek an order directing Defendants Farmington London Pub, Inc. ("FLP") and Hamilton to produce the documents sought in requests numbered 3, 11, 12, and 13 of Plaintiffs' first request for production of documents to FLP and numbers 1 and 2 of Plaintiffs' first request for production of documents to Hamilton. Plaintiffs also seek full and complete answers to interrogatories numbered 3, 7, 14 and 16 of Plaintiffs' first set of interrogatories to FLP.

Request for Production No. 3 to FLP

This request seeks certain personnel records maintained by FLP for the Plaintiffs, Peter Kuch, Terry McDaniel, Joey Merriman, and Chuck Wages. Plaintiffs' files have been produced. No personnel files exist for Kuch or Hamilton. The sought files on Merriman and Wages will be submitted to the Court for an *in camera* inspection in order to determine whether portions of those files should be produced to Plaintiffs.

Request for Production No. 11 to FLP

This request for production seeks the following, to wit:

All documents, correspondence, e-mails, electronic data, received by or generated by Farmington London Pub in connection with complaints, whether formal or informal, about the conduct of Terry McDaniel, Peter Kuch, Greg Hamilton, Joey Merriman, or other Chelsea's Farmington employees, or in connection with any investigation of any such complaint at any time.

This request is overly broad and I will not order production of the materials sought nor will I tailor the inartfully drafted request.

Request for Production No. 12 to FLP

All materials called for in this request shall be produced to Plaintiffs.

Request for Production No. 13 to FLP

I agree with Defendants that request for production no. 13 is so vague that it would be difficult if not impossible to comply with; accordingly, no further production will be ordered in connection with this request.

Request for Production No. 1 to Hamilton

Given the rather substantial questions raised by Plaintiffs in their alter ego theory, I find that request for production no. 1, requiring the production of a current financial statement indicating current financial worth and holdings of W. Gregory Hamilton should be produced.

Request for Production No. 2 to Hamilton

This request seeks the following, to wit:

A listing of all assets, including real estate, ownership in corporate or business entities, securities and any other thing of value, owned in whole or in part by Hamilton from November 1998 to present.

I find that supplying such a history of financial information at this time is unnecessary. It may be that such information would be required if certain contingencies came to pass; however, I will not require such production at this time.

Interrogatory No. 3 to FLP

Defendant FLP is directed to give a full and complete response to this interrogatory. I have dealt with the "similarly situated" problem in connection with other discovery; however, here, there is no question as to the employees involved or the time period involved, and the answer will be required.

Interrogatory No. 7 to FLP

No further response will be required to this interrogatory.

Interrogatory No. 14 to FLP

No further response will be required to this interrogatory.

Interrogatory No. 16 to FLP

No further response will be required to this interrogatory.

On or before June 1, 2001, Defendants FLP and Hamilton shall make the document production and answer the interrogatories as indicated above and submit the materials to me on Merriman and wages for an *in camera* inspection.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE